

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-SB338)

Received: 03/01/2006

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Stephen Nass (608) 266-5715

By/Representing: Mary Mathias (Leg Counsel)

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Nass@legis.state.wi.us

Carbon copy (CC:) to: mary.matthias@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Attorney general approval of UW contracts with research companies

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rryan 03/02/2006	lkunkel 03/03/2006	rschluet 03/03/2006	_____	mbarman 03/03/2006	mbarman 03/03/2006	
/2	rryan 03/06/2006	lkunkel 03/06/2006	rschluet 03/06/2006	_____	mbarman 03/06/2006	mbarman 03/06/2006	

FE Sent For:

<END>

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fix
-add a +

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1/2/mk3/b

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/?	rryan	/1/mk 3/3					

FE Sent For:

<END>

Ryan, Robin

From: Matthias, Mary
Sent: Wednesday, March 01, 2006 3:37 PM
To: Ryan, Robin
Subject: Assembly sub to SB 338

Attachments: Doc1.doc

Robin:

Rep. Nass would like a sub to SB 338 drafted. The atacehd doc. explains what he wants. The sub referred to in my e-mail to Mike Mikalsen is LRB 0592/1.

Please give me a call if you have any questions. I am leaving for the day now but I'll be back in at 8:15 tomorrow morning.

Please send a copy to Mike Mikalsen and to me when it is ready.

Thanks!

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830



Doc1.doc (25 KB)

Mary:

Could you have drafted a substitute amendment to SB 338 for Rep. Nass:

- ✓ A) Using a dollar figure of \$75,000 for one contract or in aggregate over a 24 month period.
- ✓ B) 30 day passive review by the AG with the ability for a 30 day extension upon written notification to the UW.
- ✓ C.) As you suggested, we want a true sunset of 5 years on the provisions of this bill
- ✓ D.) As you noted, a clarification to require the AG to review the contracts and notify the UW if there is a potential violation of s. 946.13(1).

Any questions, please call.

Mike Mikalsen

From: Matthias, Mary
Sent: Tuesday, February 28, 2006 12:47 PM
To: Mikalsen, Mike
Subject: SB 338

Hi Mike-

I've looked over the sub, and I have 2 thoughts.

First, as you pointed out, it doesn't take into consideration aggregates of multiple contracts.

Second, the sunset works so that after 5 years the requirement to submit a contract to the AG no longer applies. If you want to ensure that the process is reviewed after 5 years, the sunset should be reversed- in other words, after 5 years, all of the provisions of the bill would sunset and current law would again apply. That way the UW would have to come back to the legislature and show that the new system is working in order to get it extended. If the sub were written that way it should probably clarify that any contract entered into in the intervening 5 years, in accordance with the sub's provisions, remain valid (there is no conflict of interest) even if, after the 5 year period, current law applies again.

Also it seems like the sub should require the AG to review the submitted contracts and notify the UW System if it finds that a proposed contract is a violation of s. 946.13(1), stats. As written, it implies that the AG has that duty, but it doesn't clearly require it.

Ryan, Robin

From: Matthias, Mary
Sent: Thursday, March 02, 2006 8:27 AM
To: Ryan, Robin
Subject: RE: Assembly sub to SB 338

the \$75 K would be for UW contracts with the same research company.

I will check w/ Nass's office re: timing and get back to you.

thanks--

Mary

From: Ryan, Robin
Sent: Wednesday, March 01, 2006 4:18 PM
To: Matthias, Mary
Subject: RE: Assembly sub to SB 338

Hi Mary,

When is this needed?

Can you give me more detail on the \$75,000 aggregate limit -- is it for all contracts between the UW System, or any part of the system, and a research company within 12 months, or all contracts for the same products or services?

Thanks,
Robin

From: Matthias, Mary
Sent: Wednesday, March 01, 2006 3:37 PM
To: Ryan, Robin
Subject: Assembly sub to SB 338

Robin:

Rep. Nass would like a sub to SB 338 drafted. The attached doc. explains what he wants. The sub referred to in my e-mail to Mike Mikalsen is LRB 0592/1.

Please give me a call if you have any questions. I am leaving for the day now but I'll be back in at 8:15 tomorrow morning.

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Thanks!

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830

<< File: Doc1.doc >>

Call to Mike 3/2;
75K include payments from
UW to company & company
to UW - not sure
All contracts thru system, company
any company/inst & company
NO - since generally just
one employee involved,
had to one
only campus.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs06187

RLR:.....

Imk

Wanted Friday

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2005 SENATE BILL 338

RMR

GenCat

1 AN ACT ...; relating to: the prohibition against a public officer or employee having
2 a private interest in a public contract.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 165.018 of the statutes is created to read:

4 165.018 Review of University of Wisconsin System contracts with
5 research companies. (1) The attorney general shall review any contract
6 submitted by the University of Wisconsin System under s. 946.13 (12) (b) 2. to
7 determine whether entering into the contract would constitute a violation of s.
8 946.13 (1). The attorney general shall complete the review and, if the attorney
9 general determines that entering into the contract would constitute a violation of s.
10 946.13 (1), notify the University of Wisconsin System of his or her determination
11 within 30 days after the date of submittal. If before the 30-day time period expires,

1 the attorney general notifies the University of Wisconsin System in writing of an
2 extension, the date for completing the review and providing notice of a
3 determination, if applicable, is extended to 60 days after the date of submittal. ✓

4 (2) This section does not apply after the date that is 60 months after the
5 effective date of this subsection [revisor inserts date]. ✓

6 **SECTION 1.** 946.13 (12) of the statutes is created to read:

7 946.13 (12) (a) In this subsection, “research company” means an entity engaged
8 in commercial activity that is related to research conducted by an employee or officer
9 of the University of Wisconsin System or to a product of such research. ✓

10 (b) Subsection (1) does not apply to a contract between a research company and
11 the University of Wisconsin System or any institution or college campus within the
12 system for purchase of goods or services if all of the following apply: ✓

13 1. The contract is approved by a University of Wisconsin System employee or
14 officer responsible for evaluating and managing potential conflicts of interest. ✓

15 2. If the contract, alone or in conjunction with other contracts between the same
16 parties, requires \$75,000 or more in payments over a 24 month period, the University
17 of Wisconsin System submits the contract to the attorney general and within the time
18 period provided under s. 165.018 the attorney general does not notify the University
19 of Wisconsin System that entering into the contract would constitute a violation of
20 sub. (1).

21 (c) Paragraphs (a) and (b) apply regardless of the date on which a contract was
22 entered into. ✓

23 (d) This subsection does not apply after the date that is 60 months after the
24 effective date of this paragraph [revisor inserts date].

25 (END)

3/6/06

50618

Call from Mike

p. 2, line 12

add research and research contract
services after goods, services⇒ redundant to services,
and specify services
"including research"



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0618/1

RLR:lmktrs

2
stays

Wanted by 4:00

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2005 SENATE BILL 338

RMR
D-Note

RLGm ✓

1 AN ACT *to create* 165.018 and 946.13 (12) of the statutes; **relating to:** the
2 prohibition against a public officer or employee having a private interest in a
3 public contract.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 165.018 of the statutes is created to read:

5 **165.018 Review of University of Wisconsin System contracts with**
6 **research companies.** (1) The attorney general shall review any contract
7 submitted by the University of Wisconsin System under s. 946.13 (12) (b) 2. to
8 determine whether entering into the contract would constitute a violation of s.
9 946.13 (1). The attorney general shall complete the review and, if the attorney
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11 946.13 (1), notify the University of Wisconsin System of his or her determination
12 within 30 days after the date of submittal. If before the 30-day time period expires,

in the time for review

the attorney general notifies the University of Wisconsin System in writing of an extension, the date for completing the review and providing notice of a determination, if applicable, is extended to 60 days after the date of submittal.

(2) This section does not apply after the date that is 60 months after the effective date of this subsection [revisor inserts date].

SECTION 1. 946.13 (12) of the statutes is created to read:

946.13 (12) (a) In this subsection, "research company" means an entity engaged in commercial activity that is related to research conducted by an employee or officer of the University of Wisconsin System or to a product of such research.

(b) Subsection (1) does not apply to a contract between a research company and the University of Wisconsin System or any institution or college campus within the system for purchase of goods or services if all of the following apply:

1. The contract is approved by a University of Wisconsin System employee or officer responsible for evaluating and managing potential conflicts of interest.

INS 2-5

2. If the contract, alone or in conjunction with other contracts between the same parties, requires \$75,000 or more in payments over a 24 month period, the University of Wisconsin System submits the contract to the attorney general and within the time period provided under s. 165.018 the attorney general does not notify the University of Wisconsin System that entering into the contract would constitute a violation of sub. (1).

(c) Paragraphs (a) and (b) apply regardless of the date on which a contract was entered into.

(d) This subsection does not apply after the date that is 60 months after the effective date of this paragraph [revisor inserts date].

(END)

(dn)

including research

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0618/2ins
RLR:.....

Ins 2-15:

2. Either of the following apply:

a. The contract together with all other contracts between the same parties require less than \$75,000 in payments over a 24 month period. ✓

b. The University of Wisconsin System ✓ submits the contract to the attorney general and within the time period provided under s. 165.018 ✓ the attorney general does not notify the University of Wisconsin System ✓ that entering into the contract would constitute a violation of sub. (1). ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0618/2dn

RLR:.....

Imk

(date)

Mike:

This draft adds the specification in proposed s. 946.13 (12) (b) (intro.) that services include research. ✓ As we discussed, I also redrafted proposed s. 946.13 (12) (b) 2. to improve clarity. ✓

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0618/2dn
RLR:lmk:rs

March 6, 2006

Mike:

This draft adds the specification in proposed s. 946.13 (12) (b) (intro.) that services include research. As we discussed, I also redrafted proposed s. 946.13 (12) (b) 2. to improve clarity.

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